

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

VIDEO GAMING TECHNOLOGIES,
INC.,

Plaintiff,

vs.

CASTLE HILL STUDIOS LLC, *et al.*

Defendants.

CASE NO. 17-CV-00454-GKF-JFJ

**DEFENDANTS' MOTION TO SEAL MOTION IN LIMINE
TO EXCLUDE EVIDENCE RELATING TO A CERTAIN ALGORITHM**

Pursuant to Local Rule 79.1, and paragraph 2(f) of the Stipulated Protected Order (ECF No. 55) (the "Protective Order"), Defendants Castle Hill Studios LLC, Castle Hill Holdings LLC, and Ironworks Development LLC (together "Castle Hill"), hereby request that the Court enter an order sealing Defendant's unredacted Motion In Limine To Exclude Evidence Relating To A Certain Algorithm (the "Motion") and Exhibits A-E to the Declaration of Robert C. Gill in support of the Motion (collectively, ECF No. 156). In support of this request to seal, Castle Hill states as follows:

1. Portions of the Motion contain information designated by Castle Hill as Highly Confidential Information pursuant to paragraph 2(c) of the Stipulated Protective Order (ECF No. 55).
2. **Exhibit A** to the Declaration consists of certain excerpts of the deposition of Stacy Friedman. Plaintiff designated this document as Highly Confidential pursuant to the Stipulated Protective Order.
3. **Exhibit B** to the Declaration consists of certain excerpts of the deposition of Alan Roireau. Castle Hill designated this document as Highly Confidential pursuant to the Stipulated Protective Order.

4. **Exhibit C** to the Declaration of Robert C. Gill consists of certain excerpts of the Rebuttal Report of Robert Zeidman. Plaintiff designated this document as Highly Confidential pursuant to the Stipulated Protective Order.

5. **Exhibit D** to the Declaration of Robert C. Gill consists of certain excerpts of the Opening Expert Report of Stacy Friedman Report. Plaintiff designated this document as Highly Confidential pursuant to the Stipulated Protective Order.

6. **Exhibit E** to the Declaration of Robert C. Gill consists of certain excerpts of the September 6, 2018 Motion to Compel Discovery Hearing Transcript. Pursuant to the Court's Notice Re: Redaction of Transcripts (Doc. 146), the time to request redaction of the public transcript has not yet passed. Accordingly, the transcript should be treated preliminarily as Highly Confidential information pursuant to the Stipulated Protective Order.

7. Pursuant to Local Rule 79.1, General Order 08-11, and the Protective Order, Castle Hill filed a public, redacted Motion with public, redacted exhibits and a sealed, unredacted Motion with sealed, unredacted exhibits.

WHEREFORE, Defendants respectfully request that the Court enter an Order sealing the unredacted Motion and Exhibits A-E to the Declaration of Robert C. Gill.

Dated: October 12, 2018

Respectfully submitted,

/s/ Robert C. Gill
Robert C. Gill (admitted *pro hac vice*)
Thomas S. Schaufelberger (admitted *pro hac vice*)
Henry A. Platt (admitted *pro hac vice*)
Matthew J. Antonelli (admitted *pro hac vice*)
Jeremy B. Darling (admitted *pro hac vice*)
SAUL EWING ARNSTEIN & LEHR, LLP
1919 Pennsylvania Avenue, NW, Suite 550
Washington, D.C. 20006
(202) 295-6605
(202) 295-6705 (facsimile)
robert.gill@saul.com
tschauf@saul.com
henry.platt@saul.com

matt.antonelli@saul.com
jeremy.darling@saul.com

Sherry H. Flax (admitted *pro hac vice*)
SAUL EWING ARNSTEIN & LEHR, LLP
500 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 332-8764
(410) 332-8785 (facsimile)
sherry.flax@saul.com

James C. Hodges, OBA #4254
JAMES C. HODGES, P.C.
2622 East 21st Street, Suite 4
Tulsa, Oklahoma 74114
(918) 779-7078
(918) 770-9779 (facsimile)
JHodges@HodgesLC.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2018, I caused a copy of the foregoing Defendants' Motion To Seal Motion In Limine To Exclude Evidence Relating To A Certain Algorithm to be filed using the Court's ECF system, which will provide electronic notification of filing to the following counsel for Plaintiff:

Graydon Dean Luthey, Jr.
GABLE GOTWALS
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, OK 74103-4217
(918) 595-4821
(918) 595-4990 facsimile
dluthey@gablelaw.com
Counsel for Video Gaming Technologies

Gary M. Rubman
Peter Swanson
Michael Sawyer
Rebecca B. Dalton
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, D.C. 20001-4956
(202) 662-6000
(202) 778-5465 facsimile
grubman@cov.com
pswanson@cov.com
msawyer@cov.com
rdalton@cov.com
Counsel for Video Gaming Technologies

Neil K. Roman
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
(212) 841-1221
(212) 841-1010 facsimile
nroman@cov.com
Counsel for Video Gaming Technologies

/s/ Robert C. Gill
Robert C. Gill